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|---|---------------|----------------------|---------------------|------------------|
| APPLICATION NO.   | FILING DATE   | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/920,883  | 08/02/2001    | Shin Ilma            | 450100-03386        | 5191             |
| 20999   | 7590          | 03/11/2009           | EXAMINER            |                  |
| FROMMER LAWRENCE & HAUG<br>745 FIFTH AVENUE- 10TH FL.<br>NEW YORK, NY 10151 |               |                      | LU, SHIRLEY         |                  |
| ART UNIT  | PAPER NUMBER  |                      |                     |                  |
|   |               | 2612                 |                     |                  |
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| 03/11/2009  | PAPER         |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* SHIN IIMA and HIROFUMI KANEMAKI

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Application No. 09/920,883  
Technology Center 2600

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Mailed: March 11, 2009

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 24, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

On January 8, 2008, an *Order Remanding to the Examiner* was mailed and the application was returned to the Examiner. The application has since been returned to the Board of Patent Appeals and Interferences, however, there is no indication that the Examiner fully complied with the requirements of the *Order Remand to the Examiner* mailed January 8, 2008.

The Board remanded this case to the Examiner requiring the Examiner to:

- 1) request a certified translation of Appellant's foreign priority document from Appellants;
- 2) to determine from the certified translation whether or not the translation is sufficient under 35 U.S.C. § 112 to support Appellant's claims, and
- 3) if the Examiner continues to rely on Kim's provisional application (US 60/176,121) to support the rejection, to cause Kim's provisional application to be made of record (i.e., scanned into EDAN and listed on a Form 892.

A review of the file reveals that the Examiner has complied with the first requirement, but has not corresponded to the second and third requirement. The Examiner consideration is required.

### **CONCLUSION**

Accordingly, it is ORDERED that the application is returned to the Examiner to:

1) For consideration and proper written response to the Order  
Remand to the Examiner, mailed January 8, 2008; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/MTV/pgc

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